

**REMARKS**

This amendment is filed in response to the Office Action dated July 27, 2004, in which claims 1-4 and 8-12 are rejected and claims 5-7 are objected to. Claims 1, 3, 5-7 and 12 have been amended to more clearly describe the invention as claimed. Claim 4 is cancelled. New claims 13-15 are added. Reconsideration and allowance of all pending claims is requested.

Claims 1-4 and 8-12 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. patent number 5,107,654 to Leonardis. Applicants respectfully submit that the Leonardis reference fails to teach the inventions of claims 1-4 and 8-12.

Claim 1 is directed to an apparatus for supporting reinforcement bars in a concrete structure. Claim 1, as amended, calls for cradles that hold multiple reinforcement bars substantially parallel to each other. Leonardis on the other hand describes a support structure for holding two reinforcement bars perpendicular to each other. Leonardis does not describe a structure for holding reinforcement bars in a substantially parallel relationship as required by claim 1. Therefore, claim 1 patentably defines over the Leonardis reference. Reconsideration and allowance of claim 1 is requested.

Claims 2, 3 and 5-11 are dependent on claim 1 and define additional important aspects of the invention. Applicants submit that these claims patentably define over the Leonardis reference for at least the same reasons as claim 1. Reconsideration and allowance of claims 2, 3 and 5-11 is requested.

Claim 12, as amended, also calls for cradles that hold multiple reinforcement bars in a substantially parallel relationship. As discussed above, Leonardis does not describe such a structure. Therefore, claim 12 patentably defines over the Leonardis reference. Reconsideration and allowance of claim 12 is requested.

It was stated in the office action that claims 5-7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New claim 13 includes all of the limitations of claims 5 rewritten in independent form and including all the limitations of claim 1. New claims 14 and 15 are identical to claims 6 and 7, respectively, but are dependent on claim 13. Accordingly, Applicant submits that new claims 13-15 are allowable.

Claims 1-4 and 8-12 were also rejected under the doctrine of obviousness type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,663,316 (the '316 patent).

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Applicant submits that the claims as amended patentably define over the claims of the '316 patent. Reconsideration and allowance of claims 1-4 and 8-12 is requested.


Applicant submits that a full and complete response to the Office Action is provided herein, and that all of the pending claims are now in condition for full allowance. In light of the foregoing remarks and claim amendments, Applicant respectfully requests reconsideration and allowance of claims 1-4 and 8-15.

If the Examiner identifies further issues that may be resolved by telephone, the Examiner is invited to contact the undersigned at (865) 546-4305.

**In the event this response is not timely filed, Applicant hereby petitions for the appropriate extension of time and requests that the fee for the extension along with any other fees that may be due with respect to this paper be charged to our Deposit Account No. 12-2355.**

Respectfully submitted,

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**\* \* \*CERTIFICATE OF MAILING\* \* \***

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

On October 27, 2004



Mark P. Crockett